

Remarks

Claims 11-16 and 18 are pending in this application. The Examiner has rejected claims 11-15 and 18 under 35 U.S.C. § 103(a) as being unpatentable over *Atalla* in view of *Lawrence*. The Examiner has rejected claim 16 under 35 U.S.C. § 103(a) as being unpatentable over *Atalla* in view of *Lawrence*, further in view of *Logan*. Applicants believe that claims 11-16 and 18 are patentable over the prior art of record.

The claimed invention as defined by independent claim 11 is a method for manipulating a broadcast signal in a communication system. The communication system includes a headend that receives the broadcast signal and that sends programming to a plurality of hubs with each hub sending the programming to at least one node that distributes the programming to end users. The method comprises receiving the signal at the headend, establishing a buffered storage queue at the headend that receives the signal, and transmitting a stream from the headend. The stream passes through a hub and through a node to reach an end user. The stream is derived from the signal, and the stream originates from a user selected playback point in the buffered storage queue. Claims 12-16 depend from claim 11 and are also believed to be patentable. Claim 18 recites similar language to claim 11 and is also believed to be patentable for similar reasons.

Applicants have asserted that *Atalla* fails to describe or suggest that the buffered storage queue is located at the headend and that the stream is transmitted from the headend, with the stream originating from a user selected playback point in the buffered storage queue, and with the stream passing through a hub and a node to reach the end user. The Examiner has disagreed with Applicants' assertion, and has directed Applicants' attention to buffered storage described in *Atalla* in Col. 3, lines 16-46, and Col. 4, lines 32-67.

Applicants' claims recite that the buffered storage queue is located at the headend, and that the stream is transmitted from the headend. Buffer memory 52 in *Atalla*, through a bus interface, receives information from the moving memory modules. However,

the moving memory modules cyclically distribute the entire set of programs. As such, the microcell access switch acts as a local node that serves a number of users. The video source or headend in *Atalla* is the master file/host 11 of Figure 1. In operation, the master file/host sends an entire video file to the microcell access switch at one time. The entire video file is then cyclically distributed by the moving memory modules. As such, buffer memory 52 is not located at a headend in *Atalla* as recited in each of Applicants' independent claims. The complex distribution scheme in *Atalla* is far different than the claimed invention. *Lawrence* fails to describe or suggest the subject matter that is lacked by *Atalla*. Further, it is not obvious to modify *Atalla* to achieve the claimed invention.

In addition, the Examiner has noted that Applicants are attacking the references individually and do not argue why the combination of *Atalla* and *Lawrence* fails to disclose the claimed invention. Applicants argue that *Atalla* fails to describe or suggest the claimed buffered storage queue located at the head end wherein the stream is transmitted from the headend, and originates from a user selected playback point in the buffered storage queue. Applicant further argues that *Lawrence* fails to describe or suggest the subject matter lacked by *Atalla*. Because both *Lawrence* and *Atalla* fail to describe or suggest the buffered storage queue at the headend wherein the stream is transmitted from the headend with the stream originating from a user selected playback point in the buffered storage queue, any combination of *Atalla* and *Lawrence* still fails to describe or suggest the claimed invention.

Applicants respectfully request that the Examiner withdraw the rejection of claims 11-16 and 18, and allow these claims.

Respectfully submitted,
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